

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN E. GRISWOLD,

Plaintiff,

v.

TRINITY HEALTH-MICHIGAN, et
al.,

Defendants.

Case No. 22-10980

Honorable Robert J. White

**ORDER DENYING MOTION FOR CONTEMPT
WITHOUT PREJUDICE FOR RENEWAL**

This case was reassigned to the Court on August 12, 2024. On September 5, 2024, the Court held a remote status conference with the Parties to discuss setting a motion hearing for the outstanding motions and putting the case back on track for a “just, speedy, and inexpensive determination.” Fed. R. Civ. P. 1.

At that conference, counsel for the County Defendants indicated that they expect to file a motion for Plaintiff to produce records he has yet to hand over in this case. The Court advised counsel to review the Court’s website and the Case Management Requirements located there before filing any discovery motion. *See* Case Management Requirements, <https://perma.cc/4GH2-9SWV>. And on September 11, 2024, the Court filed those requirements on the case docket. *See* ECF

No. 91. As relevant here, those requirements bar parties from filing “discovery motions until they have complied with” a specific three-step “discovery dispute protocol.” *Id.*, PageID.3998-99. The gist of that protocol is that the Parties must meet and confer in good faith to resolve the dispute (Step 1), request a status conference with the Court if Step 1 fails (Step 2), and file a motion if the conference does not resolve the dispute (Step 3). *Id.*

On September 18, 2024, the County Defendants filed a motion for an order of contempt and other sanctions against Plaintiff for his expert’s purported failure to “produce documents related to [the expert’s] income.” ECF No. 92, PageID.4013. Once the Parties “confer[red] in good faith,” ECF No. 91, PageID.3998, and Plaintiff’s counsel missed his self-imposed September 13, 2024 deadline, *see* ECF No. 92, PageID.4007, counsel for the County Defendants should have “schedule[d] a telephone conference with the Court” and provided its case manager with the information necessary to resolve the dispute before resorting to motion practice. ECF No. 91, PageID.3999. Accordingly,

The Court ORDERS that the County Defendants’ motion for contempt (ECF No. 92) is DENIED without prejudice for renewal.

The Court further ORDERS that the County Defendants comply with the Court’s discovery dispute protocol by “email[ing] the Court’s case manager with (i) the conference request, (ii) a concise summary of the dispute, and (iii) a

certification that Step 1 was completed.” ECF No. 91, PageID.3999. It would also help if counsel proposed some dates for the status conference that are convenient for counsel on both sides. Once the Court sets the conference, “[a]t least 24 hours prior ... each side shall exchange with each other, and submit to the Court through CM/ECF Utilities, a one-page summary of the dispute.” *Id.*

If the Parties cannot reach a resolution before the status conference, they should come prepared to discuss Plaintiff’s compliance—or lack thereof—with Judge Murphy’s March 8, 2024 order. *See* ECF No. 60.

SO ORDERED.

Dated: September 24, 2024

s/Robert J. White

Robert J. White

United States District Judge